

# CITY OF MONTICELLO

## ORDINANCE NO. 2002-4

**TITLE:** Amendment to Zoning Regulations, Monticello City Code, Title 10: Chapter 4, Zones Established.

**PURPOSE:** To create an Overlay Zone (OL-1) which will allow the Department of Energy to apply supplemental standards and controls to certain properties within the Monticello City limits, while maintaining the existing zone, its regulations and permitted uses.

WHEREAS, in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, the Department of Energy has undertaken remedial action to clean up radiologically contaminated material associated with the former federally-owned mill at Monticello, Utah; and

WHEREAS, a Record of Decision in 1990 stipulates remedial clean-up standards for the millsite and surrounding properties (Title 40, U.S. Code of Federal Regulations, Part 192), and also allows for the application of supplemental standards where an alternative clean-up level may be applied in conjunction with land-use controls to prevent future exposures; and

WHEREAS, the Department of Energy has recognized a need to apply an alternative clean-up level to certain properties under standards, for the purpose of preserving vegetation and rocky soil, and to implement a control procedure to regulate future construction on these certain properties; and

WHEREAS, the Department of Energy, the Environmental Protection Agency, and the Utah Department of Environmental Quality have determined that these certain properties have been remediated to an alternative clean-up level under standards which, based on a site-specific risk assessment, is protective of human health and the environment for the current land use and property conditions;

NOW, THEREFORE, be it ordained by the Monticello City Council, that Monticello City Code, Title 10, Zoning Regulations, shall hereby be amended as follows:

1. Addendum:

Section 10-4-1: (I), OL-1 Overlay Zone;

2. Addendum:

Section 10-12-1: OL-1 Overlay Zone

**10-12-1: INTENT:** The intent in establishing an OL-1 Overlay Zone is to control building in any zone where a Department of Energy supplemental standard exists.

**10-12-2: PERMITTED USES:**

A. No permanent, habitable structure shall be erected in any zone where a Department of Energy supplemental standard exists until the following conditions are met.

1. The foundation for the structure shall be excavated prior to being surveyed for radiological contamination.
2. The soils within the footprint of the structure shall be surveyed for radiological contamination by a representative of the Department of Energy.

3. Definitions:

a. "Permanent Structure" shall be defined as having a foundation constructed of concrete, cinder block, or similar material.

b. "Habitable Structure" means any building intended for human habitation.

**10-12-3: SPECIAL PROVISIONS:**

A. In the event that levels of radiological contamination are found by the Department of Energy to exceed the clean-up standards established in Title 40, U.S. Code of Federal Regulations, Part 192.12, the City of Monticello shall be responsible for removal of the contaminated soils, in accordance with a Supplemental Standards Cooperative Agreement between the Department of Energy and the City of Monticello.

B. When the City of Monticello is notified that the footprint of the structure has been determined by the Department of Energy to meet the specified clean-up standards, the City shall proceed to issue a building permit to the property owner.

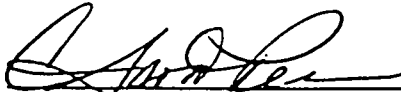
**Ordinance No. 2002-4**  
**Creation of OL-1 Overlay Zone**

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3. Subsequent Amendments to City Code: The remaining chapters under Title 10, following the insertion of Chapter 12: Overlay Zone, shall be renumbered consecutively as follows:
- A. Chapter 13: Mobile Home Parks;
  - B. Chapter 14: Recreational Vehicle Parks;
  - C. Chapter 15: Administration and Enforcement.

This Ordinance shall become effective on date of passage and shall supersede any previous Ordinance or Resolution in conflict with the provisions herein.

PASSED and ADOPTED by the Monticello City Council this 10<sup>th</sup> day of July, 2002.

  
C. Scott Pehrson, Mayor

ATTEST:

  
Rita Walker, C.M.C., Recorder

